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**FACSIMILE TRANSMISSION**

November 17, 2004

**TO**Examiner Creighton Smith  
FAX: 703-872-9306**FROM**Charles Griggers  
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**RE: Application No. 09/965,781**

(Message)

**Number of Pages (Including This Cover Sheet): - 3 - Page(s)  
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INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

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PAGE 13 \* RCVD AT 11/17/2004 9:36:42 AM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID: \* DURATION (mm:ss):01:22

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November 17, 2004

Examiner Creighton Smith  
Art Unit: 3622

Re: Application No. 09/965,781

Examiner Smith:

Enclosed are some proposed amendments and arguments for responding to the final office action for Application No. 09/965,781 (with a possible request for continued examination). Please review the amendments/arguments for our telephone interview on November 17, 2004. Also, after the interview, please discard the proposed amendments/arguments, since they are for discussion purposes only.

Sincerely,

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**

Charles W. Griggers

November 17, 2004

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\* FOR DISCUSSION PURPOSES ONLY \*  
\* PLEASE DISCARD AFTER TELEPHONE INTERVIEW \*

Proposed Amendment:

1. (Currently Amended) An apparatus for sending a message received from a sender to a wireless device over a wireless network, the apparatus comprising:  
a gateway for receiving the message transmitted over an external network in communication with the gateway, the message including identification of a recipient of the message, a delivery instruction and delivery information indicating a time at which the message is to be delivered to the a wireless device of the recipient, for storing the message, and for carrying out the delivery instruction by delivering the message at the time indicated by the delivery information;  
wherein the delivery instruction and delivery information is set by the sender.

Proposed Argument:

In contrast, *Lazaridis* discloses a system for triggering the . . . redirection of user-selected data items stored on a user host system to a mobile data communication device of the user. Therefore, *Lazaridis* appears to disclose a system whereby messages that are received by a user can be redirected to another device of the user's. However, *Lazaridis* fails to disclose a system whereby messages that are sent by the user are capable of being redirected by the user. In other words, *Lazaridis* fails to disclose receiving a message and then delivering the message to a recipient identified in the message according to delivery instruction and delivery information.

Regarding *Nakata*, messages or parcels are sent over a physical delivery channels and not a wireless network. Further, a sender of a physical parcel does not specify a time at which the message is to be delivered. Rather, a sender can specify a "desired delivery date and time." Further, the recipient of the physical parcel appears to specify the delivery instructions that are followed. See, e.g., para. 8. ("Accordingly, a member registers his/her form of package receiving by him/her in advance. Thus he/she can receive the package in accordance with his schedule.")